

Remarks

Claims 33-48 are pending. The present Amendment cancels claims 34, 36, 41, 43 and 44, amends claims 33, 39, 40, 42, 45, 47 and 48, and adds new claims 49 and 50.

35 U.S.C. §132 Objections

Claims 42-44 were objected to because they introduce new matter.

Claim 42 has been amended to clarify that the time slot generator provides for an automatically operating time slot selection. This is supported on page 3, lines 15-25.

Claims 43 and 44 have been cancelled.

Deletion of language in claim 42 and cancellation of claims 43 and 44 are not admissions that the claims comprised new matter in the application.

As these amendments address the §132 objections, withdrawal of the objections are respectfully requested.

35 U.S.C. §112 Rejections

Claims 42-44 are rejected under 35 U.S.C. §112 as failing to comply with the written description. These rejections have been addressed by the amendments described above, and therefore, withdrawal of the §112 rejections are respectfully requested.

35 U.S.C. §103 Rejections

Claims 33-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Llenas et al (5,271,626) in view of Katz et al (5,109,404). Applicant respectfully traverses this rejection.

Katz does not disclose providing limiting access to a game program by a predetermined number of viewers who use a key code to establish contact with the game program, as claimed by the Applicant. Instead Katz discloses a system that controls traffic to a telephone and allocates calls to different recipients, such as live operators or audio responses. The system is merely for controlling traffic to a telephone exchange. In other words, it is an "overflow" control system. Any limits on, or threshold numbers of calls is derived from the system's capacity. To the contrary, Applicant's claimed invention is directed to limiting access to below capacity. Applicant claims providing access to a game program by a predetermined number of viewers who use a key code who establish contact with the game program. This means that even if the system could handle more callers, the claimed invention limits access. Applicant's claimed invention is directed to limiting the number of calls that could get through to a system whereas Katz addresses handling as many calls as possible, for example by directing calls to audio responses when live operators are not available, i.e. maximizing capacity. Accordingly, Katz teaches away from Applicant's claimed invention, and therefore, there is no motivation to combine Katz with Llenas.

Katz, FIG. 1 clearly shows the differences between the inventions. At times, current load conditions may impose extreme demands on the capacity of Katz's system. In that regard, the illustrative system as disclosed in FIG. 1 allocates calls (as between a processor and an operator) to facilitate practical scheduling with regard to equipment, formats, time, actual and anticipated call loads. There clearly is no suggestion to combine this type of system with Llenas to derive the invention claimed by Applicant.

Applicant again emphasizes that "black space" of Llenas is related to switching between transmissions from one TV transmission district to another TV transmission district. Llenas teaches that games and game clues are transmitted in such black spaces.

Further, it is important to note that Applicant teaches the use of a non-manual selection of the key code, opposite to Llenas who necessarily must have predetermined, manually controlled clues. Amendments to claims 33 and 40 include automatic key code selection to clearly distinguish Applicant's claimed invention from Llenas.

Finally, it is noted that Llenas does not solve the problem that is solved by the present invention. The claimed invention provides a method and device that makes it possible to ensure that neither the TV company nor the game operator itself would in reality have the possibility of choosing which viewers would be allowed to participate in the scheduled game program. Similarly, the key code that the TV viewers would have to pick up in order to establish contact based on the communications network would be selected at random, meaning that no one would be able to know the code, e.g. a telephone number, ahead of time. Thus, all viewers would in reality have the same opportunity to connect up with the game program, whereas the decisive factor would be the speed at which this occurs. (p.1, lines 17-26)

Prior Art

The prior art made of record and not relied upon is noted.

Conclusion

In light of the foregoing, we submit that the entire application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

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